

POLICE

v

MANAKAA VAKAPORA

Date: 19 September 2014

Counsel: Ms M Henry for the Police
Mr W Rasmussen for the Defendant

DECISION OF THE HONOURABLE CHIEF JUSTICE TOM WESTON

[1] Manakaa Vakapora, you are here today for sentencing having pleaded guilty to two charges, the first dangerous driving causing injury, which carries a maximum penalty of 10 years imprisonment or a fine not exceeding \$10,000. And a further charge of excess breath alcohol which has a maximum fine of \$1,000 or 12 months imprisonment, mandatory qualification for 12 months.

[2] This is your first offence and it has been explained to me that it was a one-off occasion probably brought on by the stresses of your family situation which have been explained to me.

[3] In the normal course, charges of this sought would result in a term of imprisonment but today I have been asked for a leniency for reasons that I will shortly explain. The first of these is that the victim of the accident has sought leniency. It appears that he has forgiven you. You have entered into an agreement with him whereby you will pay \$100 a week towards the cost of reparation. I am troubled that this arrangement is only freshly entered into, but I am prepared to assume that it has followed the advice of Mr Petero obtained in recent times and there is nothing more cynical about it than that. My expectation is that you will continue to meet those payments.

[4] The second factor that I have been asked to bring to bear is that of the family circumstances. You are currently assisting your four children; your wife is in New Zealand caring for her mother who

has had a massive stroke. It is clear to me that you are an important part of the family structure and that your continued involvement in the family businesses is important.

[5] The third factor is that I have heard from one of your children, a daughter, who spoke eloquently in your support, explaining that the family is standing by you and will do what they can to help you get through these difficulties, should the Court sentence you to Community Service and Probation.

[6] The fourth factor I bring to account is that you have already apologised.

[7] My whole instinct is that you should go to prison for this conduct and the earlier decisions of the Court support that. However, in this case, and for the reasons that I have developed, I am prepared to accept the Probation recommendation that you serve 18 months Probation Service with the first nine months on Community Service with the following special conditions;


- 1) To abstain from the purchase and consumption of alcohol
- 2) To pay any reparation ordered by this Court
- 3) To attend any training or workshop as directed by the Probation Service

[8] I order reparation in the sum of \$1,492. You are disqualified from driving for 12 months.

[9] I order Court costs of \$30.

[10] Mr Vakapora, I make it clear that if you return to the Court for any offence of this sort in the future, there is no doubt that you will go to prison. You have escaped prison in this case and I trust we will not see you here again for any offence.

[11] You may stand down.



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Tom Weston CJ